

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY
LITIGATION**

BETTY MOORE and PRESTON MOORE,

Plaintiff,

v.

**JOHNSON & JOHNSON, JOHNSON &
JOHNSON CONSUMER, INC.**

Defendants.

**MDL NO. 16-2738 (FLW)
(LHG) JUDGE MICHAEL
SHIPP**

COMPLAINT AND JURY DEMAND

Civil Action No.: 3:17-cv-01609

DIRECT FILED ACTION

**SUGGESTION OF DEATH AND UNOPPOSED MOTION TO SUBSTITUTE PROPER
PARTY**

Pursuant to Federal Rule of Civil Procedure 25(a), Amber Thompson, as surviving heir and successor of Betty Moore, files this Suggestion of Death and Motion to Substitute Proper Party and respectfully submits as follows:

1. This is a product liability action brought by Plaintiff Betty Moore (hereinafter, “Decedent”). Prior to her death, Decedent alleged that she was diagnosed with ovarian cancer as a result of her exposure to Johnson & Johnson (“J&J”) talcum baby powder products manufactured and marketed by Defendant Johnson & Johnson (“J&J”) consisting of talc mined and processed by Defendant Imerys (“Imerys”).
2. On March 9, 2017, Decedent filed her Original Complaint and Jury Demand against Defendants in the United States District Court District of New Jersey alleging strict product liability, negligence, breach of warranty and fraud. Decedent died during the

pendency of suit. Fed. R. Civ. P. 25(a) provides that “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by...the decedent’s successor or representative.” Decedent’s claim was not extinguished at her death and her action survives to and in favor of her heirs. Tex. Civ. Prac. & Rem. Code § 71.021. Accordingly, Amber Thompson, as Decedent’s surviving daughter and successor under Texas law, should and hereby moves to be substituted as the proper party for the Decedent.

CONCLUSION & PRAYER

For all of the foregoing reasons, Amber Thompson requests that the Court substitute Amber Thompson as Plaintiff in this case, on behalf of the Estate of Decedent and on behalf of all wrongful death beneficiaries of Decedent, and for such other relief as to which she may be justly entitled.

Respectfully submitted,

/s/Eric D. Pearson

Eric D. Pearson

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

A copy of the foregoing was served on all counsel via the Court's ECF system on August 29, 2023.

/s/ Eric D. Pearson
Eric D. Pearson

CERTIFICATE OF CONFERENCE

This is to certify that counsel for Plaintiff conferred with counsel for Defendants regarding all matters set forth in this Motion on August 29, 2023 and that counsel for Defendants are unopposed to the relief requested herein.

/s/ Eric D. Pearson
Eric D. Pearson